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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION SIX

THE PEOPLE,

Plaintiff and Respondent,

v.

AVERY ANTHONY MORRIS,

Defendant and Appellant.

2d Crim. No. B255518
(Super. Ct. Nos. 1424960, 1401008)
(Santa Barbara County)

Avery Anthony Morris appeals a judgment following conviction by jury of assault with a deadly weapon (Pen. Code, § 245, subd. (a)(1))¹ and leaving the scene of an accident (Veh. Code, § 20001, subd. (a)). The jury found true an allegation that he inflicted great bodily injury. (§ 12022.7.) The trial court sentenced Morris to seven years eight months in prison. (Super. Ct. Santa Barbara County, Case No. 1424960.) Morris also appeals from an order revoking his probation in Santa Barbara Superior Court Case No. 1401008 (in which he was convicted of resisting an executive officer) and imposing a sentence of eight months in prison consecutive to the sentence in Case No. 1424960, making the aggregate sentence for the two cases eight years four months. (§ 69.) We affirm.

We appointed counsel to represent Morris on this appeal. After examining the record, his counsel filed an opening brief requesting the court to make an independent review under *People v. Wende* (1979) 25 Cal.3d 436. On February 19, 2015, we advised

¹ All statutory references are to the Penal Code unless otherwise stated.

Morris that he had 30 days within which to personally submit any contentions or issues that he wished us to consider. We received no response.

Morris has a history of driving under the influence of alcohol. In May 2012, he pled no contest to resisting an executive officer and driving under the influence of alcohol in Case No. 1401008. (§ 69, Veh. Code, § 23152, subd. (b).) The trial court granted three years felony probation and suspended imposition of sentence. About four months later, Morris struck a man with a car following an altercation at a party. The man was hospitalized. He suffered cuts, bruises, a chipped tooth, and bruising to his brain. An information charged Morris with attempted murder (§§ 664, 187); assault with a deadly weapon (§ 245, subd. (a)(1)); two counts of making criminal threats (§ 422); and leaving the scene of an accident (Veh. Code, § 20001, subd. (a)).) It alleged that Morris committed the offenses for the benefit of a street gang and that he inflicted great bodily injury during the assault. (§§ 186.22, subd. (b)(1)(C), 12022.7, subd. (a).) A jury found Morris guilty of assault and leaving the scene, but not guilty of attempted murder or making criminal threats. It found true the allegation that Morris inflicted great bodily injury, but found not true the allegation that he committed the offenses for the benefit of a street gang.

We are satisfied that Morris's attorney has fully complied with his responsibilities and that no arguable issues exist. (*People v. Wende, supra*, 25 Cal.3d at pp. 441, 443.)

The judgment is affirmed.

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GILBERT, P.J.

We concur:

YEGAN, J.

PERREN, J.

Jean M. Dandona, Judge
Superior Court County of Santa Barbara

Mark R. Feeser, under appointment by the Court of Appeal, for Defendant and
Appellant.

No appearance for Respondent.